

BEFORE THE KANSAS DENTAL BOARD

In the Matter Of)

Robert E. Pitts, D.D.S.)
_____)

Case No. 9000-97

FILED

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KANSAS DENTAL BOARD

AGENCY SUMMARY ORDER OF DENIAL

Robert E. Pitts, D.D.S. ("Pitts") applied for a reinstatement of his dental license on December 12, 2005. After considering previous board actions, the Board's Investigation Member, on behalf of the board, enters the following agency order.

I. FINDINGS OF FACT

1. The Board previously issued Pitts a License in 1968, which entitled him to practice dentistry in the State of Kansas.
2. On July 19, 1982, the Board issued an order, after a hearing, revoking that license, a true and correct copy of the 1982 Findings of Fact and Conclusions of law, is attached hereto and incorporated herein by reference.
3. The Board had determined in the 1982 revocation order that the instances of poor dentistry performed by Pitts "... were not a question of interpretation or judgment, but the fault of Dr. Pitts arising out of gross incompetence and willful neglect." The board also found that Pitts was guilty of "gross ignorance and incompetence" and "complete disregard for acceptable procedures required of a dentist in performing root canal work." The board concluded that Pitts conduct and practices in improperly treating and improperly responding to his patients' claims of pain and discomfort after said treatment, posed a danger to his patients as well as resulting in unnecessary expense to his patients.
4. After the board revoked his dental license in 1982, Pitts continued to practice dentistry, requiring a civil suit by the board.

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5. Pitts applied for reinstatement in 1993 and 1997, and 1998. Reinstatement was denied by the board.

6. In 2000 Pitts applied for reinstatement. A hearing was held May 20, 2000. Pitts presented as evidence of rehabilitation that he had been doing continuing education, he would select better cementation products and would become wiser in their use. He said that he would have fewer dental chairs, and he had learned from past mistakes. (2000 transcript pages 21-24).

7. Pitts' 2005 application for reinstatement contained reference letters dated in 1984 as evidence of rehabilitation, along with a list of dental video instructional tapes checked from the UMKC Dental school totaling 123 continuing education hours for 2005. There is no evidence of clinical training.

8. The board offered Pitts a Stipulation Order that would include the requirement of recent graduation from an ADA approved dental school to achieve reinstatement. This option was presented to Dr. Pitts at the board meeting of June 16, 2006. Pitts did not accept the Board's proposal, which is being deemed as a rejection.

II. CONCLUSIONS OF LAW AND FACT

K.S.A. 77-511(a)(2)(a) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency when denying an application.

K. S. A. 65-1431(a) provides that the applicant has the burden of proof by clear and convincing evidence to show sufficient rehabilitation to justify reinstatement of the license.

III. ORDER

Based upon the foregoing, Pitts's December 12, 2005 application for reinstatement of a dental license is denied.

